

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

V.

Texas Instruments, Inc., et al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

**Declaration of Randall Garteiser in Support of Plaintiff Blue Spike LLC's Opposition
to Agnitio's Motion to Dismiss**

I, Randall Garteiser, declare as follows:

1. I, Randall T. Garteiser, am a partner in the law firm of Garteiser Honea, P.C. We represent Plaintiff Blue Spike LLC in this lawsuit. I have personal knowledge of the information contained in this declaration and can testify to the truth of these statements.

2. Attached hereto as Exhibit 1 is a true and correct copy of a screenshot from Agnitio's website offering its mobile phone application accessed May 2, 2013.

3. Attached hereto as Exhibit 2 is a true and correct copy of a screenshot of Agnitio's "Kivox App download page" accessed May 2, 2013.

4. Attached hereto as Exhibit 3 is a true and correct copy of a screenshot from Agnitio's website showing some of Agnitio's customers, accessed May 20, 2013.

5. Attached hereto as Exhibit 4 is a true and correct copy of a screenshot from BBVA's website discussing BBVA's commercialization in Texas and other states, accessed May 20, 2013.

6. Attached hereto as Exhibit 5 is a true and correct copy of a screenshot from BBVA's website showing bank locations in Tyler, Texas accessed May 20, 2013.

7. Attached hereto as Exhibit 6 is a true and correct copy of a screenshot from Agnitio's website showing a list of some of Agnitio's partners accessed May 2, 2013.

8. Attached hereto as Exhibit 7 is a true and correct copy of a screenshot from Agnitio's website describing Agnitio's Kivox 4.0 products accessed May 2, 2013.

9. Attached hereto as Exhibit 8 is a true and correct copy of a screenshot from Hewlett-Packard's website listing HP's corporate office locations accessed May 2, 2013.

10. Attached hereto as Exhibit 9 is a true and correct copy of a screenshot from Microsoft's website discussing Microsoft's Texas presence accessed May 20, 2013.

11. Attached hereto as Exhibit 10 is a true and correct copy of a list of Schneider Electric's Texas employees accessed via LinkedIn on May 7, 2013.

12. Attached hereto as Exhibit 11 is a true and correct copy of a screenshot from Agnitio's website describing Agnitio's use of voice biometric products and how it incorporates its partners and customers accessed May 20, 2013.

13. Attached hereto as Exhibit 12 is a true and correct copy of an article from www.Businesswire.com titled "AGNITO Announces KIVOX mobile" written on April 3, 2012 and accessed May 1, 2013.

14. Attached hereto as Exhibit 13 is a true and correct copy of several screenshots from findBIOMETRICS website showing the text of an interview with Emilio Martinez, CEO of Agnitio Corp, accessed on May 20, 2013.

15. Attached hereto as Exhibit 14 is a true and correct copy of a screenshot from Agnitio's website showing news articles titled "AGNITO appoints two new Board Members" accessed May 20, 2013.

16. Attached hereto as Exhibit 15 is a true and correct copy of an article from www.BusinessWire.com titled "Agnitio Corp. Awarded Contract by the United States Government's TSWG" written May 14, 2012 and accessed May 20, 2013.

17. Attached hereto as Exhibit 16 is a true and correct copy of a screenshot of an organizational chart from the Technical Support Working Group's (TSWG's) website accessed May 1, 2013.

18. Attached hereto as Exhibit 17 is a true and correct copy of a screenshot of a brochure from Agnitio's website discussing the KIVOX mobile application accessed May 2, 2013.

19. Attached hereto as Exhibit 18 is a true and correct copy of a screenshot of a page from Agnitio's website where users are directed to request the KIVOX mobile application accessed May 20, 2013.

I declare on April 26, 2013, in Marin County under penalty of perjury under the laws of the United States and California that the statements made in this declaration are true and correct.

/s/ Randall Garteiser
Randall Garteiser